IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 2838 OF 2007

Lailabai Nurmohammad Pathan. ... Applicant.

V/s.

State of Maharashtra. ... Respondent.

K.S.Patil for the applicant.

S.S.Pednekar, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 30th August 2007.

P.C.:

. Heard learned counsel for the applicants and learned A.P.P. for the State.

2. This application is under section 438 of Code of Criminal Procedure, 1973. The applicant is apprehending her arrest in C.R.No.90/2007 registered with Shikrapur (Talegaon Dhamdhere) Police Station, district- Pune for the offences punishable under sections 376, 452, and 341 of Indian Penal Code on the basis of the complaint filed by one Savita Navnath Chatur dated 3rd June, 2007.

3. The basic allegation against the present

applicant- accused, who is mother of the main accused, is that she wiped out certain blood stains which were on the floor of one of rooms of the house. The applicant being woman and considering her role in the offence alleged, I do not think any custodial investigation of the present applicant is necessary. In the above view of the matter, I am inclined to grant pre-arrest bail to the applicant, subject to the following conditions:

(a) In the event of arrest of the applicant in connection with C.R.No.90/2007 registered with Shikrapur (Talegaon Dhamdhere) Police Station, district- Pune she shall be released on bail of Rs.10,000/- with one surety to make up the said amount.

(b) The applicant shall report to concerned Police Station as when called and shall co-operate with the investigating agency.

(c) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(d) This order of anticipatory bail shall operate till the filing of the chargesheet. After filing of chargesheet, it would be open for the applicant to apply for regular bail before regular court.

(e) It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

4. Application stands disposed of accordingly.

JUDGE